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25 Jeffrey Simon

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 JEFFREY SIMON

21 Plaintiff,

22 vs.

23 UNUM LIFE INSURANCE COMPANY OF
24 AMERICA and THE LIPMAN COMPANY,
25 INC. LONG TERM DISABILITY PLAN

26 Defendants

Case No.: C07-2213 WDB

STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE

Current Date: July 30, 2007

Crt: 4 (Oakland)

Time: 4:00 p.m.

Proposed Date: August 20, 2007

RECITALS

Defendant Unum Life Insurance Company of America ("Unum") and Plaintiff Jeffrey Simon ("Simon") stipulate and request that the Court continue the Case Management Conference set for July 30, 2007 until August 20, 2007 due to calendar conflicts for both counsel and because one party has not yet appeared. There have been no prior continuances.

Mr. Kantor, counsel for plaintiff, has previously requested and obtained permission to appear telephonically because of a scheduled vacation.

Mr. Ferry, counsel for defendant Unum will be also be on vacation and while he could also appear telephonically, counsel agree that it would be preferable to have both counsel present in Court for the conference.

Further, defendant The Lipman Company, Inc., Long Term Disability Plan has not yet been served as it apparently is no longer in existence. Plaintiff is in the process of amending his complaint to name and serve the successor entity. Consequently, a continuance would allow time for that defendant to be served, retain counsel and appear at the conference.

STIPULATION

Accordingly, Defendant Unum and Plaintiff Simon stipulate that the Case Management Conference be continued from July 30, 2007 to August 20, 2007. The location and time would remain the same.

KELLY, HERLIHY & KLEIN LLP

Dated: July __, 2007

By _____/s/_____
John C. Ferry
Attorneys for Defendant
UNUM LIFE INSURANCE
COMPANY OF AMERICA

KANTOR & KANTOR, LLP

Dated: July __, 2007

By _____/s/_____
Glenn R. Kantor
Attorneys for Plaintiff
Jeffrey Simon

ORDER

Good cause having been shown, the Case Management Conference presently set for July 30, 2007 at 4:00 p.m. is hereby continued to August 20, 2007 at 4:00 p.m.

Dated: July __, 2007

United States Magistrate Judge

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